



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

PLAINFIELD SUPPORT STAFF/ NEA-NEW HAMPSHIRE	:	
	:	CASE NO. M-0714:1
Petitioner	:	
	:	DECISION NO. 97-128
v.	:	
	:	
PLAINFIELD SCHOOL DISTRICT	:	
	:	
Respondent	:	

APPEARANCES

Representing Plainfield Support Staff/NEA-NH:

Sarah Root, UniServ Director

Representing Plainfield School District:

Jon Meyer, Esq., Counsel

Also appearing:

John D. Fontana, SAU 32

Frank S. Perotti, Plainfield School District

Denise D. Shibles, P.S.S.A.

BACKGROUND

Plainfield Support Staff, NEA-New Hampshire, filed a petition to modify the bargaining unit for support staff employed by the Plainfield School District on July 3, 1997. The Plainfield School District filed its response on July 17, 1997. It filed amended objections on September 5, 1997. The matter was scheduled for hearing on October 15, 1997, then continued at the

parties' request. The matter was heard before the undersigned hearing officer on November 7, 1997.

FINDINGS OF FACT

1. The Plainfield School District (District) employs teachers, support staff and other personnel in the operation of its 275 pupil elementary school and so is a public employer within the meaning of RSA 273-A:1 X.
2. Plainfield Support Staff Association, NEA-New Hampshire, is the duly certified bargaining representative for the positions of custodian, bus driver, special education aide, math tutor, library aide, nurse and secretary described in the recognition clause of the collective bargaining agreement (CBA) for the period December 18, 1996, through June 30, 1998 (Joint Exhibit No. 1). The certification was the subject of a Board decision (PELRB Dec. No. 95-48).
3. Frank S. Perotti, principal at the Plainfield Elementary School, is serving his third school year in that capacity. He does not sit on the negotiating teams for CBAs but he advises and supplies information to the negotiators. For the prior CBA, he reviewed and commented on proposals forwarded to him by the negotiators. He gave input to the negotiating team in his role as manager of the one school in Plainfield. Plainfield is a member of SAU 32 which includes Lebanon and Grantham. Superintendent John Fontana related that Mr. Perotti constantly interacts with the school board and advises it on labor relations matters for Plainfield.
4. The inclusion of the position of school secretary in the bargaining unit was in contest at the time of certification in 1994 (Finding of Fact No. 2). The inclusion of the position of school secretary is not now challenged as the duties previously at issue as confidential have been assigned to the new position of secretary to the principal.

5. Principal Frank Perotti testified that he does some of his own typing as a matter of course but that, when he developed this position, he had in mind a position with the responsibility for sharing confidential information and performing confidential secretarial duties. He needs someone who will alert him to morale and personality issues, who will be "an extra pair of ears" as well as a sounding board when changes are being considered. He has asked his secretary to type responses to grievances filed under the CBA but he is not completely comfortable doing so while the question of bargaining unit membership for this position is outstanding.

6. The job description for the position of secretary to the principal refers to various confidential duties relating to negotiating and administering the CBA. (School District Exhibit No. 1.) These include preparing materials for negotiations and grievance hearings, taking notes and preparing minutes of meetings and conferences between the principal and union representatives and typing reports on disciplinary hearings. This position also types staff evaluations and professional development reports.

DECISION AND ORDER

RSA 273-A:1 IX excludes from the definition of public employee for purposes of organizing, any employee whose duties imply a confidential relationship to the public employer. While the person occupying a confidential position may wish to be a bargaining unit member, this statutory provision prohibits membership and so protects against disruption in government operations when a conflict develops between the public employer and the bargaining unit negotiators. It would be inappropriate to place a confidential employee between the two parties. The potential for such a dilemma would pose an impermissible hindrance to the public employer who must carry on labor relations. *Appeal of Laconia*, 135 NH 421, 424-25 (1992).

The new position of secretary to the principal has the markings of such a confidential position for the following reasons. Dr. Perotti advises negotiators and the school board.

He acts on grievances and, in general, administers the collective bargaining agreements on a day to day basis. These are confidential tasks associated with labor relations and the new secretarial position assists Principal Perotti in carrying out the clerical aspect of these tasks. Therefore, this new secretarial position is excluded from the bargaining unit of support personnel at the Plainfield Elementary School.

So ordered.

Signed this 30th day of December, 1997.

A handwritten signature in cursive script, appearing to read "Gail Morrison", written over a horizontal line.

GAIL MORRISON
Hearings Officer